

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARTIN SANCHEZ

§

Petitioner,

§

v.

§

DAN JOSLIN, Warden,

§

Respondent.

§

CIVIL ACTION NO.
3:06-CV-138-P

ORDER

This is a writ of habeas corpus case filed by a federal inmate pursuant to 28 U.S.C.

§ 2241. The Magistrate Judge filed his Findings and Conclusions on August 17, 2006, recommending dismissal of the petition for failure to exhaust administrative remedies. Petitioner did not file his objections until October 2, 2006, however, petitioner states he did not receive the magistrate judge's report until 32 days after the report was issued. Thus, petitioner received the magistrate judge's report on September 18, 2006, and had ten days from that date to file his objections. Fed. R. Civ. Proc. 72(b). Pursuant to Federal Rule of Civil Procedure 6(a), weekends are excluded from the calculation of the due date, and petitioner's objections were due on October 2, 2006. Petitioner's objections were received on October 2, 2006, and are thus timely filed.

The court has made a *de novo* review of the magistrate judge's report and has considered petitioner's objections. Petitioner still does not attempt to establish cause for his failure to pursue administrative review of his claims. Rather, petitioner now asserts that the Regional Director did not have authority to grant him relief in the face of threatened or pending litigation.

However, petitioner cites no authority in support of this assertion. Further, petitioner's assertion is not supported by his previous position that he attempted on several occasions to obtain grievance forms from prison officials verbally and in writing, but his requests were denied.

Petitioner's objections are overruled, and the court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Signed this 12th day of October 2006.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE